

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sanjay Bakshi Confirmation No. 1998
Serial No. 10/713,586 Examiner: Syed M Bokhari
Filed: Nov 13, 2003 Group Art Unit: 2473
For: DISTRIBUTED EXTERIOR GATEWAY PROTOCOL
Date: June 17, 2010

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

This review is requested for the reason(s) stated on the attached sheet(s). Note: no more than five (5) pages may be provided.

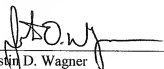
I am the:

- ☐ applicant/inventor
☐ assignee of record of the entire interest
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed
☒ attorney or agent of record
☐ attorney or agent acting under 37 CFR 1.34

Total of 2 forms are submitted.

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Respectfully submitted,
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Filed via Electronic Business Center

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF CONFERENCE

The rejections of claims 1-7 under 35 U.S.C. § 103 should be withdrawn because the cited references fail to teach or suggest at least “wherein the line card is configured to filter mal-formed, illegal and duplicate update messages from gateway peers”

The Final Office Action mailed March 17, 2010 (“the Final Action”) concedes at page 9 that Shenoy and Hartmann fail to teach or suggest at least “wherein the line card is configured to filter mal-formed, illegal and duplicate update messages from gateway peers,” as recited in independent claim 1. The Action then asserts at page 10 that this feature is taught in Moberg at col. 4, lines 43-67. As noted in the Amendment filed September 24, 2009 (“the previous Amendment”), however, the cited section of Moberg simply states that a line card processor can examine a packet to “verify its validity” and *does not provide any further explanation of how the validity of a packet is determined*. More specifically, Moberg *does not teach or suggest that such validity is based on mal-formed, illegal, or duplicate update messages*. In addition, the cited section of Moberg specifically refers to the processing of *data packets* and does not teach or suggest any such processing of *update messages from gateway peers*.

At page 18, the Final Action again directs attention to col. 4, lines 43-67 of Moberg and states that “[e]xamining of the entire packet for the verification of its validity (i.e. soundness or

legality or legitimacy or authority etc. – actual meanings of validity) is clear teaching ‘filter all mal-formed, illegal and duplicate update messages.’” Applicant submits that nothing in Moberg supports this assertion. For example, the cited portion of Moberg merely states that “[t]he processor 24A can also examine the entire packet to verify its validity and determine how to handle certain options provided by the protocol being used to transmit the packet.” As noted in the previous Amendment and reiterated above, Moberg *does not provide any further explanation of how the validity of a packet is determined*, Moberg *does not teach or suggest that such validity is based on mal-formed, illegal, or duplicate update messages*, and the cited section specifically refers to the processing of *data packets*, not *update messages from gateway peers*. Therefore, Moberg does not teach or suggest the recited “wherein the line card is configured to filter mal-formed, illegal and duplicate update messages from gateway peers.”

Accordingly, the 35 U.S.C. § 103 rejections of independent claim 1 and its dependent claims 2-7 should be withdrawn and such action is respectfully requested.

The rejections of claims 8-14, 17, and 30-34 under 35 U.S.C. § 103 should be withdrawn because the cited references fail to teach or suggest at least “generating message traffic at the line card for peer gateways including announcing routes to the peer gateways”

The Final Action asserts that Shenoy teaches “generating message traffic at the line card for peer gateways including announcing routes to the peer gateways” and directs attention to paragraph [0022]. As noted in the previous Amendment, however, the cited paragraph of Shenoy actually states that “forwarding information is *generated by the processors...and managed centrally at the primary control module*” (emphasis added). Shenoy then goes on to describe how instances of this forwarding information are provided to the line cards by the primary control module. Therefore, as noted in the previous Amendment, Shenoy does not teach *a line card announcing routes to peer gateways*; rather, Shenoy actually teaches that forwarding information is generated at either the control card or at the line cards but that such information is only sent to the line cards from the control card and *not from a line card to another router*.

Accordingly, the 35 U.S.C. § 103 rejections of independent claim 8 and its dependent claims 9-14 and 17 should be withdrawn and such action is respectfully requested.

Furthermore, Applicant notes that *the Final Action does not respond to specific arguments that were presented in the previous Amendment with respect to dependent claims 10-*

13. For example, the previous Amendment explained that Moberg fails to teach or suggest at least “determining if the packet is a mal-formed packet,” “applying a packet filter to the packets,” and “applying an address filter to the packets,” as recited in dependent claims 10-12, respectively. The previous Amendment also explained that Shenoy fails to teach or suggest at least “transmitting data related to valid updates from the peer gateways,” as recited in dependent claim 13. The Final Action fails to acknowledge, let alone respond to any of these particular arguments. Applicant requests that the Panel deem the Final Action as having conceded these arguments and, therefore, the 35 U.S.C. § 103 rejections of dependent claims 10-13 should be withdrawn for at least these additional reasons.

Claims 30-34 recite features that are similar to those discussed above with respect to claims 8-12, respectively, and are allowable for at least the same reasons presented above with respect to claims 8-12. Accordingly, the 35 U.S.C. § 103(a) rejections of claims 30-34 should be withdrawn and such action is respectfully requested

The rejections of claims 25 and 27-29 under 35 U.S.C. § 103 should be withdrawn because the cited references fail to teach or suggest at least “providing a routing table and policy data to each line card”

Moberg does not teach or suggest at least “providing a routing table and policy data to each line card,” as recited in independent claim 25. As noted in the previous Amendment, for example, neither the cited section (col. 4, lines 43-67) nor any other section of Moberg teaches or suggests anything pertaining to *providing a routing table to a line card or providing policy data to a line card*, let alone *providing a routing table and policy data to a line card*. Consequently, the 35 U.S.C. § 103 rejections of independent claim 25 and its dependent claims 27-29 should be withdrawn and such action is respectfully requested.

Additionally, Applicant notes that *the Final Action does not acknowledge, let alone respond to the specific arguments that were presented in the previous Amendment with respect to independent claim 25*. Applicant requests that the Panel deem the Final Action as having conceded these arguments and, therefore, the 35 U.S.C. § 103 rejection of independent claim 25 should be withdrawn for at least these additional reasons.

Furthermore, Applicant notes that *the Final Action does not respond to specific arguments that were presented in the previous Amendment with respect to dependent claim 27*.

For example, the previous Amendment explained that Moberg fails to teach or suggest at least “registering the control portion with a distributed control plane architecture infrastructure module,” as recited in dependent claim 27. The Final Action fails to acknowledge, let alone respond to this particular argument. Applicant requests that the Panel deem the Final Action as having conceded this argument and, therefore, the 35 U.S.C. § 103 rejection of dependent claim 27 should be withdrawn for at least these additional reasons.

The rejections of claims 18-22 and 24 under 35 U.S.C. § 103 should be withdrawn because the cited references fail to teach or suggest at least “transmitting data resource data to the control card” and “transmitting only valid Border Gateway Protocol data to the control card”

The cited references do not teach or suggest at least “transmitting data resource data to the control card” and “transmitting only valid Border Gateway Protocol data to the control card,” as recited in independent claim 18. As noted in the previous Amendment, for example, Shenoy does not teach that data resource data is sent to the control card, let alone transmitting data resource data to the control card; rather, Shenoy specifically teaches that forwarding information is exchanged between the line cards and the control card. Also, because Shenoy does not teach or suggest that line cards *distinguish between valid and invalid data packets* in determining which data packets to forward to the control module, it follows that Shenoy does not teach or suggest transmitting only valid Border Gateway Protocol data to the control card.

Accordingly, the 35 U.S.C. § 103 rejections of independent claim 18 and its dependent claims 19-22 and 24 should be withdrawn and such action is respectfully requested.

Additionally, Applicant notes that *the Final Action does not acknowledge, let alone respond to the specific arguments that were presented in the previous Amendment with respect to independent claim 18*. Applicant requests that the Panel deem the Final Action as having conceded these arguments and, therefore, the 35 U.S.C. § 103 rejection of independent claim 18 should be withdrawn for at least these additional reasons.

The rejection of dependent claim 15 should be withdrawn because the claim is independently patentable

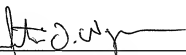
The previous Amendment presented specific arguments with respect to dependent claim 15. For example, the previous Amendment explained that Harvey fails to teach or suggest at

least “generating responses required by the incoming packets,” as recited in dependent claim 15. The Final Action fails to acknowledge, let alone respond to this particular argument. Applicant requests that the Panel deem the Final Action as having conceded this argument and, therefore, the 35 U.S.C. § 103 rejection of dependent claim 15 should be withdrawn for at least these additional reasons.

For at least each of the reasons listed above, Applicant requests that the Panel reverse the Examiner’s rejections and allow all of the pending claims in the present application.

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